GAMBLING ACT 2005

STATEMENT OF GAMBLING POLICY 2022 - 2025

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PART A - INTRODUCTION AND DECLARATION

Under section 349 of the Gambling Act 2005 the Council is required to publish a statement of principles which it proposes to apply when exercising its functions under the Gambling Act 2005. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The Gambling Commission's Guidance to licensing authorities contains further details of the form of the council's statement of principles.

Gambling is a legitimate regulated activity that is enjoyed by a large number of the population. However, there are a number of people within our society who are at risk to gambling related harm. The council, as the Licensing Authority under the Gambling Act 2005 has a duty to consider applications relating to allowing gambling facilities within Medway to ensure that they meet the fundamental principles of the Gambling Act 2005. In doing so, the authority must balance the needs of business to profit and growth with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm.

The Licensing Authority, in carrying out its function under section 153 of the Gambling Act 2005 will aim to permit the use of premises for gambling in so far as it thinks it's:

1. In accordance with any relevant code of practice under section 24.
2. In accordance with any relevant guidance issued by the Gambling Commission under section 25.
3. Reasonably consistent with the licensing objectives (subject to 1 and 2 above); and
4. In accordance with the statement of licensing policy (statement of Licensing Principles for Gambling) (subject to 1 to 3 above).

The aim to permit principle provides wide scope for the authority to impose conditions on a premises licence and reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant Guidance issued by the Gambling Commission and the Statement of Licensing Principles.

The council's statement of principles is intended to be reasonably consistent with the three licensing objectives set out in the Gambling Act 2005. These objectives are:

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The statement of licensing principles was prepared in 2021 and following consultation was agreed by the Council on 7 October 2021. The new three-year statement was published on 3 January 2022 and has effect from 31 January 2022.

The Gambling Act 2005 requires that the following people and bodies be consulted in the revision of the statement:

- The Chief Officer of Police.
- People and bodies representing the interests of persons in gambling businesses in the area.
- People and bodies who represent the interest of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

The consultation on the revised statement of principles with the above was advertised and took place over a 4-week period from 16 April to 14 May 2021.

It should be noted that the policy statement will not override the right of any person to make an

application, or to make representations about an application, or to apply for a review of a licence, as each will be considered in its own merits and in accordance with the statutory requirements of the Gambling Act 2005.

DECLARATION:

In producing the Final version of the Statement, Medway Council as the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission and any responses from those consulted on this statement.

1. Medway Council - Policy Vision and Strategic Objective

'The Licensing Authority wants Medway to be a great place to live, work and visit with a wide choice of high quality and well-maintained licensed venues within a safe environment, while supporting and protecting the growth of our towns, district centres and developing communities.'

Medway sits at the mouth of the River Medway on the north Kent coast. The five historic towns of Strood, Rochester, Chatham, Gillingham and Rainham are linked by the A2 and form a complex urban conurbation, which retains the distinct identities of the individual towns and their suburbs. There is also a large countryside element with the urban area surrounded by a network of villages on the Hoo Peninsula and the Medway Valley.

Medway is one of the largest urban areas in the south east and has been growing rapidly in recent years to a population of 276,492 in 2015. The population has a slightly younger age profile than the Kent and England averages, and has an increasing number of people over 65 years. This has implications for services such as leisure and shopping facilities. Medway has seen steady growth in recent years, and this is projected to continue with expansion of the population projected to reach 330,200 people in 2035. In contrast to other areas in Kent, much of Medway's growth is from natural change, with births outnumbering deaths.

The Statement of Gambling Principles has a strong role to play in supporting the delivery of the Council vision for Medway by providing the right policy framework, within a licensing context, to ensure it is a safe and welcoming place, which appeals to all, and protects and supports our communities. It is therefore important the policy statement, as far as is reasonably practicable, supports, and is consistent with, the strategic aims of the council and its partners. This approach is supported by the Guidance.

Other Council policies, plans and strategies which support, and are supported by, this Policy are listed below with the web links listed at Appendix D:

- The Local Plan,
- The Sustainable Community Strategy 2010-26: City of Medway: Rich Heritage, Great Future,
- The Council Plan
- Joint Health and Wellbeing Strategy for Medway,
- Medway's Cultural Strategy
- Local Transport Plan
- Medway Regeneration Framework
- Community Safety Plan
- Medway Children's Action Network – Early help strategy
- Medway Safeguarding Children Board – Kent and Medway Safeguarding Procedures

The Authority wants members of the trade to be part of our vision and to help shape the future of our communities, centres and environment.

The Authority has an important role in supporting Medway's cultural identity, which sets us apart as an attractive and dynamic place to live, work, study and visit. Medway is unique due to the combination of rich history, naval heritage, world-renowned connections with Charles Dickens, a growing arts scene, and more than 30 days of free festivals and events every year. Our cultural offer also brings economic benefits, accounting for around 15% of Medway's economy.

An important part of the cultural offer is the dynamic night-time economy, providing employment and attracting tourists and visitors. However, there is also a tension between residents and these businesses. Our residents, responsible authorities and other agencies tell the council that crime, disorder and public nuisance associated with late night licensed premises, their customers and alcohol misuse can cause problems.

By working together with the trade, responsible authorities and residents the Authority want to create a vibrant, safe and welcoming early evening and night-time economy, which supports and promotes local businesses, creating the environment for viable and sustainable business models supporting the council's regeneration goals. The Authority wants to encourage and support family friendly venues and businesses broadening the cultural offer to a greater number of people, both residents and visitors.

The Authority wishes to protect and grow our neighbourhood centres, as well as the wider environment, by working closely with responsible businesses in a way that ensures the needs and aspirations in their areas, but do not add to the existing issues and problems across Medway.

The Authority wants to work in partnership to achieve:

- A safe environment for people to live in, work and enjoy.
- Broaden the appeal of the evening and night time economy, while taking into account the needs of residents.
- To create an environment which attracts the appropriate investment and allows businesses to thrive and grow.
- To tackle gambling related harm and promote health and wellbeing.

2. The Licensing Objectives

In exercising most of its functions under the Gambling Act 2005, the Council as the Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the 2005 Act. These are:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.**
- **Ensuring that gambling is conducted in a fair and open way.**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

The licensing authority is aware that, in making decisions in respect of premises licences and temporary use notices, section 153 of the Gambling Act 2005 prescribes that it should "aim to permit" the use of premises for gambling in so far as it is satisfied that the application is:

- In accordance with any relevant Codes of Practice issued by the Gambling Commission.
- In accordance with any relevant Guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives.
- In accordance with this Statement of Licensing Principles.

This licensing authority particularly notes the Gambling Commission's Guidance to local authorities in respect of these objectives along with the principles to be applied by the licensing authority and any other relevant legislation such as the Human Rights Act 1998.

To assist licensing authorities the Gambling Commission has produced licence conditions and codes of practice (LCCP). The codes specify a number of requirements, many of which relate to social responsibility issues that may aid any concerns about matters such as protection of the young and vulnerable.

3. Authorised Activities

'Gambling' is defined in the 2005 Act as either gaming, betting or taking part in a lottery:

- 'Gaming' means playing a game of chance for a prize.
- 'Betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.
- A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process, which relies wholly on chance.

Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Licensing Team where appropriate.

3.1. Licences under the Gambling Act 2005

The Gambling Act 2005 provides for 3 categories of licence as follows:

- Operating licences.
- Personal licences.
- Premises licences.

The Council will be responsible for the issue of Premises licences. The Gambling Commission will be responsible for the issue of operating and Personal licences.

4. The Gambling Commission

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling, by ensuring that gambling is conducted in a fair and open way and by protecting children and vulnerable people. The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission issues guidance in accordance with Section 25 of the Gambling Act 2005 about the manner in which Licensing Authorities exercise their licensing functions under the Gambling Act 2005 and, in particular, the principles to be applied.

The Commission also issues Codes of Practice under Section 24 about the way, in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities. The Gambling Commission can be contacted at:

Gambling Commission, Victoria Square House, Victoria Square, BIRMINGHAM B2 4BP

Website: www.gamblingcommission.gov.uk
Email: info@gamblingcommision.gov.uk

5. Responsible Authorities

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Gambling Act 2005 to designate, in writing, a body which is competent to advise the authority **about the protection of children from harm.**

The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this licensing authority designates the Safeguarding Children Board, Children's Services for this purpose.

The Responsible Authorities are:

- The Licensing Authority.
- The Gambling Commission.
- Kent Police Licensing Enforcement.
- Kent Fire & Rescue Service.
- The Councils Planning Department.
- The Councils Environmental Health Department.
- Medway Safeguarding Children's Board.
- HM Revenue and Customs.

6. Interested Parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
b) has business interests that might be affected by the authorised activities, or
c) represents persons who satisfy paragraph (a) or (b)"

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits and Medway Council will not apply rigid rules to its decision-making.
- It will consider the examples of considerations provided in the Gambling Commission's Guidance to licensing authorities in respect of people living close to the premises and the nature and scope of business interests that could be affected.
- It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and where appropriate organisations such as, but not limited to partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected by the application. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and or has business interests that might be affected by the authorised activities. Usually, a letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach their local ward councillor to ask them to represent their views, then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence

application. If there are any doubts, then please contact democratic services.

7. The Council's Functions

The Council, in its capacity as a Licensing Authority, is responsible for:

- The licensing of premises where gambling activities are to take place by issuing *Premises Licences.*
- Issue *Provisional Statements.*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and or Club Machine Permits.
- Issue Club Machine Permits to Commercial Clubs.
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres.*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits.*
- Receive and Endorse *Temporary Use Notices.*
- Receive *Occasional Use Notices.*
- Provide information to the Gambling Commission regarding details of licences issued (see section on exchange of information).
- Maintain registers of the permits and licences that are issued under these functions.
- The exercise of its powers of compliance and enforcement under the 2005 Act in partnership with the Gambling Commission and other relevant responsible authorities.

  The National Lottery is regulated by the National Lottery Commission, Remote Gambling is dealt with by the Gambling Commission and Spread Betting is regulated by the Financial Services Authority.

8. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Gambling Act 2005 with respect to the exchange of information between it and the Gambling Commission. It is also required to include the principles it will apply in exercising its functions under section 350 of the Gambling Act 2005 with respect to the exchange of information between it and other persons listed in Schedule 6 of the Gambling Act 2005.

The principle this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act.

Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be detailed in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and withheld from publication on the grounds of personal safety.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

9. Enforcement

Good practice in regulation

The Legislative and Regulatory Reform Act 2006 places a legal duty on any person exercising a specified regulatory function to have regard to the statutory principles of good regulation in the exercise of the function. These provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is needed.

This authority will have full regard to these principles when carrying out any regulatory activity and to the requirements of the Regulators' Code. The purpose of the code is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act in respect of the inspection of premises; and the powers under section 346 of the Gambling Act 2005 to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- ***Proportionate***: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised.
- ***Accountable***: regulators must be able to justify decisions, and be subject to public scrutiny.
- ***Consisten***t: rules and standards must be joined up and implemented fairly.
- ***Transparent***: regulators should be open, and keep regulations simple and user friendly; and
- ***Targeted***: regulation should be focused on the problem and minimise sideeffects.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

Medway Council has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives.
- Relevant codes of practice (including any changes/updates).
- Guidance issued by the Gambling Commission, in particular at Part 36.
- The principles set out in this statement of licensing policy.
- The type and location of the premises.
- The past operating history of the operator.
- The confidence in management.
- The arrangements in place to promote the licensing objectives

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005, is to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

Medway Council also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

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Complaints against licensed premises

The licensing authority will investigate complaints against licensed premises in relation to matters concerning the licensing objectives. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.

Where an interested party has made a complaint about licensed premises or a valid application for a licence to be reviewed, the council may, in certain cases, initially recommend a mediation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party or for any licence holder to decline to participate in a mediation meeting.

Due consideration will be given to all complaints unless they are considered to be frivolous, vexatious or repetitious.

Part B - Premises Licences:
Consideration of Applications

10. General Principles

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it's:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to licensing authorities, "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of "premises"

In the Gambling Act 2005, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "*In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises*."

This licensing authority takes particular note of the Gambling Commission's Guidance to licensing authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non- gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors, which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street.
- No entrance to a casino must be from premises that are used wholly or mainly by children and or young persons.
- No customer must be able to enter a casino directly from any other premises, which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premise directly from:
  - a casino
  - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

The Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a *provisional statement* should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process: -

- Firstly, whether the premises ought to be permitted to be used for gambling; and
- Secondly, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance produced by the Gambling Commission.

(iv) Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

(v) Planning

The Gambling Commission Guidance to licensing authorities states:

'In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance.

In addition this authority notes the following excerpt from the Guidance:

'When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building. '

(vi) Duplication with other regulatory regimes

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

(vii) Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.**

  To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

Criteria:

Whether the premises make or will make a contribution to the level of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent gambling from being a source of, and or associated with crime or disorder, or being used to support crime, if the application is granted.

Considerations:

- Where an area is known for high levels of crime the council will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
- Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime, to associate or dispose of the proceeds of crime.
- Whilst issues of nuisance are not included specifically in the gambling objectives, the council may consider, when making decisions on the applications for premises licences, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.
- Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of associated or to avoid apprehension.

Applicants for premises licences will have to hold an operator's licence from the Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's Guidance, codes or practice and this statement of Principles.

The Council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, gambling premises. The applicant will have to provide evidence that they meet the criteria set out and demonstrate that in operating the premises they will be reasonably consistent with this objective. The council will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out. The operator must meet the Commission's requirements to obtain and hold an operator's licence, whilst the Licensing Authority's concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.

- **Ensuring that gambling is conducted in a fair and open way.**

To ensure that gambling is conducted in a fair and open way, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

Criteria:

Whether the premises will operate with such measures that will ensure that the gambling activity is

conducted in a fair and open way.

Considerations:

- Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- Whether the management and operation of the premises is open and transparent.
- Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- Whether the Commissions Code of Practice has been complied with.

The Gambling Commission is the body primarily concerned with ensuring that each operator conducts gambling activities in a fair and open way. The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operator's licence.
Track owners do not necessarily require an operator's licence and any application made by such an unlicensed operator will be scrutinised to ensure that the objective is met. In these circumstances the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. The Licensing Authority may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

Criteria:
Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

Considerations:

- Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to be reasonably consistent with this objective to exclude them from the premises or parts of the premises.
- If the premises is an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.
- Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- Whether any promotional materials associated with the premises could encourage the use of the premises by children or young people.

The Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The location of the premises may be a significant factor if for example the premises are located near a school, hostel or other sensitive premises.

Persons under 18 cannot be admitted to many types of gambling premises. For new gambling premises or variations to existing premises that are in close proximity to schools or main routes to schools, we will expect the applicant to have carefully considered their operation and any potential for exposing children and young people to gambling. Operators should demonstrate policies and procedures that will prevent children and young people from entering premises or partaking in gambling activities.

It is noted that both the Gambling Act 2005 and Guidance do not define the term "vulnerable persons". The Commission states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs". This is the definition of vulnerable persons the council will use in its consideration of applications.

(viii) Safeguarding against Child Sexual exploitation (CSE)

The Council acknowledges that CSE awareness doesn't just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons who use their premises.

Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE. Measures may include, but are not limited to:

- Awareness training for staff.
- Regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children.
- Close monitoring of patrons as they leave the premises.
- Recording and reporting concerns to the police.

The council expects applicants to be aware of "risk indicators" of CSE which include, but are not limited to:

- Developing relationships between a child and an older person.
- Children in the company of a group of older persons.
- Children regularly attending premises and meeting with a number of different older persons, particularly where older persons may be facilitating gambling for children.
- Children outside of licensed premises developing relationships with older persons, particularly an older person facilitating gambling for children.
- Children leaving the locality of the premises with older persons, particularly with a group of older persons.
- Children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons.

Whilst the council does not wish to create the impression that all contact between children and older persons is inappropriate, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks as far as is reasonably practicable.

(ix) Public Health considerations

Whilst there may be evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties, public health is not a licensing objective and therefore cannot be taken into account,

when deciding on applications. The Licensing Authority will however liaise with public health colleagues about new and variation applications within Medway, so that we can both continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.

(x) Promoting Responsible gambling

The Licensing Authority supports and encourages licence holders to promote responsible gambling; the national campaigns run by BeGambleAware in order to provide relevant information on understanding the risks. One such national campaign is ***"When the fun stops STOP!"***

Gambling may be fun, but some people can lose control and gamble more than they can afford. Some simple steps can be promoted to help avoid gambling becoming a problem to consumers.

- Set a limit to spend at the start.
- Only bet what can really be afforded.
- Don't chase a loss.
- Don't bet if you're getting angry or frustrated.
- Never put betting before family & friends.

(xi) Local Risk Assessments

The Gambling Commission's Licence Conditions and Code of Practice requires operators to consider local risks in their application.

It is considered best practice for Licensing Authorities to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this licensing authority would recommend that the following matters are considered by operators when making their risk assessment

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Arrangements for localised exchange of information regarding self-exclusion and gaming trends;
- The urban setting in relation to the number, location and proximity of buildings, attractions or facilities, etc. that may attract children or other vulnerable people;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

(xii) Licence Conditions

Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility.
- Directly related to the premises and the type of licence applied for.
- Fairly and reasonably related to the scale and type of premises.
- Reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis. Although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include:

- The supervision of entrances.
- Segregation of gambling from non-gambling areas frequented by children.
- The supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises, which is separated from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where these machines are located.
- Access to the area where the machines are located is supervised.
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder.
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

It is noted that there are conditions, which the licensing authority cannot attach to premises licences, which are:

- Any condition on the premises licence, which makes it impossible to comply with an operating licence condition.
- Conditions relating to gaming machine categories, numbers, or method of operation.
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated).
- Conditions in relation to stakes, fees, winnings or prizes.

(xiii) Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts of unauthorised access, (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor. It is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances and or machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

11. Adult Gaming Centres

Adult gaming centres were introduced by the Gambling Act 2005. Persons operating an Adult Gaming Centre must hold a gaming machines general operating licence from the commission and must seek a premises licence from the licensing authority. They are permitted to make available for use on the premises a number of Category B gaming machines not exceeding 20 per cent of the total number of gaming machines, which are available for use upon the premises. No person under the age of 18 is permitted upon such premises, nor is the sale or consumption of alcohol.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances;
- Supervision of machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provisions of information leaflets including help line numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive and is merely indicative of example measures.

The question of sub-division of such premises has become an issue and been the subject of Gambling Commission Guidance. There must be no direct entry from one adult gaming centre into another. This Authority will take note of the guidance issued in respect of such applications.

12. Licensed Family Entertainment Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV.
- Supervision of entrances.
- Supervision of machine areas.
- Physical separation of areas.
- Location of entry.
- Notices and signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets including help line numbers for organisations such as GamCare.
- Measures and training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority also makes itself aware of the mandatory or default conditions on these premises licences as published.

13. Casinos

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

14. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

'*Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.'*

15. Betting premises

When considering the number, nature and circumstances of betting machines an operator wants to offer, this licensing authority will, as per the Gambling Commission's Guidance, take into account the following:

- The size of the premises.
- The number of counter positions available for person-to-person transactions.
- The ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

16. Credit and ATMs

Section 177 of the Gambling Act 2005 requires, in relation to casino and bingo premises licences, that a condition be placed on the licence prohibiting the provision of credit in connection with gambling authorised by the licence or any involvement with the provision of credit.

Section 177 does not however, prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection with the machine provider in relation to gambling (aside from the agreement to site the machines) and does not profit from the arrangement, nor make any payment in connection with the machines.

17. Tracks

This licensing authority is aware that the Gambling Commission may provide specific guidance as regards tracks. We have taken note of the Guidance issued by the Gambling Commission in this regard.

18. Applications and plans

The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

The Commission's Licence Conditions and Codes of Practice, formalise the need for operators to consider local risks. The Commission's Social responsibility code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.

Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- when applying for a variation of a premises licence.
- to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement.
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

Local Area Profile – Medway Council has produced a collection of area profiles, which together constitute a statistical 'picture' of Medway and sub areas within it, in order to understand, what is distinct and what variations occur across the area. These span a range of socio-economic themes, including: demography, business and employment, deprivation and infrastructure. These can be found on www.medway.gov.uk

Licensing will also produce risk assessments and as these are developed they will also appear on the council website.

19. Travelling Fairs

Where category D machines and or equal chance prize gaming without a permit is to be made available for use at travelling fairs, this licensing authority is responsible for deciding whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

20. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land, to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- Expects to be constructed;
- Expects to be altered; or
- Expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application. In terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- They concern matters which could not have been addressed at the provisional statement stage; or
- They reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by objectors at the provisional statement stage;
- Which in the authority's opinion reflect a change in the operator's circumstances; or
- Where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

21. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the

basis of whether the request for the review is relevant to the matters listed below:

- In accordance with any relevant Code of Practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, whether it will certainly not cause this authority to wish to alter or revoke or suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28-day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- Add, remove or amend a licence condition imposed by the licensing authority;
- Exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Gambling Act 2005, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- The licence holder;
- The applicant for review (if any);
- The Commission;
- Any person who made representations;
- The chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

Part C – Permits, Temporary and Occasional Use Notice

22. Unlicensed Family Entertainment Centre Gaming Machine Permits

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use, under Section 238 of the Gambling Act 2005.

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing this statement, and or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

"In its policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits…., licensing authorities will want to give weight to child protection issues."

Guidance also states: *"...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:*

- *A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;*
- *That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Gambling Act 2005); and*
- *That employees are trained to have a full understanding of the maximum stakes and prizes'*

It should be noted that a licensing authority can't attach conditions to this type of permit.

23. Statement of Principles

Applicants will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures and training for staff in relation to suspected truant school children on the premises and or dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises. Applicants will be expected to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Gambling Act 2005).
- That staff are trained to have a full understanding of the maximum stakes and prizes.
- An awareness of local school holiday times and how to notify the local education office should truants be identified.

This Licensing Authority will accept evidence of compliance with the Code of Practice for FECs issued by the British Amusement Catering Trade Association (BACTA) as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above requirements.

Applicants must submit with their application two copies of plans of the premises, ideally to a scale of 1:100, showing the exits and entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers.

The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

24. Alcohol Licensed Premises Gaming Machine Permits

There is provision in the 2005 Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and or D. The premises merely need to notify the Licensing Authority. Under section 284 of the 2005 Act the Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with).
- The premises are mainly used for gaming.
- An offence under the Gambling Act has been committed on the premises.

Should it be necessary to issue a Section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations, which might be made. The authority will hold a hearing if the licensee requests.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit. The Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission and "*such matters as they think relevant*".

This Licensing Authority considers that such matters will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling. We will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under 18 years of age do not have access to the adult-only gaming machines. This authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

Measures, which will satisfy this Authority that there will be no access, may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18 years of age. Notices and signage present by machines are also recommended. With regard to the protection of vulnerable persons applicants may wish to consider the provision of information leaflets including help line numbers for such organisations as Gam Care.

A plan must accompany applications indicating where and what type, of gambling machines are to be

provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.

This Licensing Authority recognises that some alcohol - licensed premises may apply for a Gambling Premises Licence for their non-alcohol licensed areas. It is likely that any such application would need to be made and dealt with as an Adult Gaming Centre premises licence.

The Licensing Authority can decide to grant an application with a smaller number of machines and or a different category of machines than that applied for. Conditions (other than these) can't be attached. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

25. ADMINISTRATIVE MATTERS

Details of our scheme of delegations in respect of the licensing function under the Gambling Act is shown at **Appendix A.**

26. PRIZE GAMING PERMITS

Prize gaming may be provided in bingo premises as a consequence of their Bingo Operating Licence. Any type of prize gaming may be provided in Adult Gaming Centres and licensed Family Entertainment Centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, as long as none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

The Gambling Act 2005 states that a licensing authority may prepare a "*Statement of Principles that they propose to apply in exercising their functions under this Schedule*" which "*may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit*".

This licensing authority has prepared a Statement of Principles, which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- That the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit, the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Gambling Act 2005 are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money

prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

27. CLUB GAMING AND CLUB MACHINES PERMITS

Members' clubs and Miners' welfare institutes may apply for a Club Gaming Permit. Members' clubs, Commercial Clubs and Miners' welfare institutes may apply for a Club Machine Permit.

The Club Gaming Permit allows the premises to provide:

- Up to three machines of categories B, C or D.
- Equal chance gaming.
- Games of chance as set out in regulations.

A Club Machine Permit will only enable the premises to provide up to three machines of categories B, C or D.

This Licensing Authority will wish to be satisfied that applicants for these permits meet the statutory criteria for the relevant club contained in Sections 266, 267 and 268 of the Gambling Act 2005.

The Gambling Commission's Guidance notes that licensing authorities may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for the relevant club and therefore is not entitled to receive the type of permit for which it has applied;
- The applicant's premises are used wholly or mainly by children and or young persons;
- An offence under the Gambling Act 2005 or a breach of permit has been committed by the applicant while providing gaming facilities;
- A permit held by the applicant has been cancelled in the previous 10 years;
- An objection has been lodged by the Gambling Commission or the Police.

Clubs, which hold a Club Premises Certificate under the Licensing Act 2003, are entitled to benefit from a'fast-track' application procedure. Under this procedure there is no opportunity for objections to be made by the Gambling Commission or the Police and the grounds upon which a Licensing Authority can refuse a permit are reduced. Grounds for refusal are:

- That the club is established primarily for gaming other than gaming prescribed under Schedule 12 of the Gambling Act 2005;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- That a club gaming permit or club machine permit issued to the applicant in the last 10 years has been cancelled.

There are statutory conditions on Club Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

28. SMALL SOCIETY LOTTERIES

Under the gambling Act 2005, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery.

Promoting or facilitating a lottery will fall into two categories:

- Licensed lotteries (requiring an operating licence from the Gambling Commission);
- Exempt lotteries (including small society lotteries registered with Medway Council)

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lottery;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website: https://www.gamblingcommission.gov.uk/public-and-players/guide/types-of-lotteries-and-their-regulations

Medway Council will register and administer small society lotteries as defined under the Gambling Act 2005.

All tickets in a small society lottery registered with a local authority must state:

- The name of the promoting society;
- The price of the ticket, (which must be the same for all tickets);
- The name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries; and
- The date of the draw, or information which enables the date to be determined.

Tickets that are issued through a form of remote communication or any other electronic manner must specify the information above to the purchaser of the ticket and ensure that the message can be either retained (saved) or printed.

Lottery tickets must not be sold to, or by, those under the age of 16.

Small Society Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand but licensees must ensure that they have a street trading consent.

We will not issue Street Trading Consents for any of the High Streets in the Medway area. A Street Trading Consent is not required if they are trading on private land as long as they are sited 10 metres from the highway.

The Gambling Commission's Guidance notes that licensing authorities may only refuse an application on the grounds that:

- An operating licence held by the applicant for registration has been revoked or an application

for an operating licence made by the applicant for registration has been refused within the past five years;
- The society in question cannot be deemed non-commercial;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, as listed in Schedule 7 of the Gambling Act 2005; and
- Information provided in or with the application for registration is found to be false or misleading.

This licensing authority will inform the society of the reasons for refusal and allow them a period of 14 days to submit representations. A decision will then be reached and the society will be notified.

A licensing authority may also determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. The society would be informed of the preliminary decision to revoke the registration and allow time for representations. After the period of 14 days, a decision will be formally made and the society notified.

29. TEMPORARY USE NOTICES

'Temporary Use Notices' allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices. At the time of writing this Statement the relevant regulations, (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007), state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. Within these limits the Gambling Act 2005 refers to a 'set of premises'. The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given.

In the Gambling Act 2005 "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership, occupation andcontrol of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

30. OCCASIONAL USE NOTICES

'Occasional Use Notices' permit up to 8 days, within a calendar year, of betting at a track without the need for a premises licence.

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him or herself of the notice.

31. SUMMARY OF SOME TERMS UNDER THE GAMBLING ACT 2005

These pages are not part of the statement of principles, as the definitions will be defined nationally, but are included in this document to assist the reader. This document should be read in conjunction with the Gambling Act 2005 and Gambling Commission Guidance to Local Authorities.

32. CATEGORIES OF CASINO

Casino games are defined by the Gambling Act 2005 to mean a game of chance, which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants.

33. CATEGORIES OF GAMING MACHINE

A summary of gaming machine categories along with the entitlements of current machine categories with the maximum stakes and prizes that apply by premises type is set out at appendix C

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

APPENDIX A

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	**FULL COUNCIL**	**SUB-COMMITTEE OF LICENSING & SAFETY COMMITTEE**	**OFFICERS**
Final approval of licensing policies	Yes		
Policy not to permit casinos	Yes		
Fee Setting (when appropriate)	Yes		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authorities	Where no representations received from the Commission or responsible authorities
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		Yes	
Application for club gaming /club machine permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/ club machine permits		Yes	
Applications for other permits			Yes
Cancellation of licensed premises gaming machine permits			Yes
Consideration of temporary use notice			Yes
Decision to give a counter notice to a temporary use notice		Yes	
Decision to refuse or revoke a Small society Lottery registration			Yes

APPENDIX B

Responsible Authorities Contact Details

Licensing Authority
Gravesham and Medway
Shared Licensing Service
Civic Centre
Windmill Street
Gravesend
Kent DA12 1AU
Tel: 01474 337000
Email: **licensing@gravesham.gov.uk**

Head of Environmental Health
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR.
Tel: 01634 331105

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP
Tel: 0121 230 6666
Fax: 0121 233 1096
Email: info@gamblingcommission.gov.uk

The Administrator
Children Services
Medway Safeguarding Children Board
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR.
Tel: 01634 336329

Police Licensing Enforcement Officer
Kent Police
Medway Police Station
Purser Way
Gillingham
Kent ME7 1NE
Tel: 01634 792337/792388
Email: licensing.medway@kent.pnn.police.uk

Chief Fire Officer
Dartford Group Fire Safety Office
Kent Fire and Rescue Service
Dartford Fire Station
Watling Street
Dartford
Kent DA2 6EG
Phone: 01322 224229
Email: **dartford.firesafety@kent.fire-uk.org**

Development & Building Control Manager
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR.
Tel: 01634 331700

HM Revenue and Customs
Excise Processing Teams
BX9 1GL
Phone: 0300 322 7072 Option 7
Email: NRUBetting&Gaming@hmrc.gsi.gov.uk

In relation to a vessel, but no other premises, responsible authorities also include Navigation Authorities. This will include: -

The Environment Agency
The British Waterways Board
The Secretary of State for Transport who acts through the Maritime and Coastguard Agency

APPENDIX C

*CATEGORIES OF GAMING MACHINE**

Machine category	Maximum stake	Maximum prize
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D non-money prize (other than crane grab machine)	30p	£8
D non-money prize (crane grab machine)	£1	£50
D money prize	10p	£5
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

*Please note that the values contain within this table are subject to periodic change.

SUMMARY OF MACHINE PROVISIONS BY PREMISES

Large Casino (Machine/Table ratio of 5-1 up to maximum)
Category of machines allowed: B1, B2, B3, B4, C and D
Conditions: Maximum of 150 machines. Any combination of machines in Categories B to D (except B3A machines) within the total limit of 150 (subject to a machine/table ratio).

Small Casino (Machine/Table ratio of 2-1 up to maximum)
Category of machines allowed: B1, B2, B3, B4, C and D
Conditions: Maximum of 80 machines. Any combination of machines in Categories B to D (except B3A machines) within the total limit of 80 (subject to a machine/table ratio).

Bingo Premises
Category of machines allowed: B3 and B4
Conditions: Maximum of 20% of total number of gaming machines which are available for use on the premises.
Category of machines allowed: C and D
Conditions: No limit on category C or D machines.

Betting Premises
Category of machines allowed: B2, B3, B4, C and D
Conditions: Maximum of 4 machines categories B2 to D except B3A machines.

Betting Track
Category of machines allowed: B2, B3, B4, C and D
Conditions: If the licence holder also holds a Pool Betting Operating Licence, Maximum of 4 machines categories B2 to D except B3A machines.

Adult Gaming Centre
Category of machines allowed: B3, B4
Conditions: Maximum of 20% of total number of gaming machines which are available for use on the premises.
Category of machines allowed: C and D
Conditions: No limit on category C or D machines.

Family Entertainment Centre
Category of machines allowed: C and D
Conditions: No limit on category C or D

Family Entertainment Centre with Gaming Machine Permit
Category of machines allowed: D
Conditions: No limit on category D machines.

Club Gaming Permit or Club Machine Permit
Category of machines allowed: B3, B4, C and D
Conditions: Maximum of 3 machines. Members Clubs from category B3a, B4, C and D. Commercial Clubs from category B4, C and D.

Alcohol Licensed Premises Automatic Entitlement
Category of machines allowed: C and D
Conditions: 1-2 machines of category C or D automatic upon notification.

Alcohol Licensed Premises Gaming Machine Permit
Category of machines allowed: C and D

Conditions: Number of category C and D machines as specified on permit.

Travelling Funfair (No authorisation required)
Category of machines allowed: D
Conditions: No limit on category D machines.

APPENDIX D

USEFUL INFORMATION WEB LINKS

Local area profiles	http://www.medway.gov.uk/planningandbuilding/planningpolicy/factsandfigures/areaprofiles.aspx
Local facts and figures	http://www.medway.gov.uk/planningandbuilding/planningpolicy/factsandfigures.aspx
Crime Statistics	https://www.police.uk/
Medway Safer Business Partnership	http://www.safermedway.com/
Community Safety Partnership	http://www.medway.gov.uk/crimenuisanceandsafety/communitysafety.aspx
Trading Standards	http://www.medway.gov.uk/businessandinvestment/tradingstandards.aspx
Public Spaces Protection Orders (previously Alcohol Control Zones)	https://medwaycommunitysafety.wordpress.com/2010/03/15/alcohol-control-zones-keeping-medway-safe/
Medway Joint Health and Wellbeing Board	http://www.medway.gov.uk/carehealthandsupport/healthandwellbeing/healthandwellbeingboard.aspx
Medway Planning	http://www.medway.gov.uk/planningandbuilding.aspx
Be Gamble Aware	https://www.begambleaware.org/
When the fun stops STOP	http://whenthefunstops.co.uk/
GamCare	http://www.gamcare.org.uk/